

**DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
Rapid City School District
Accountability Review - Monitoring Report 2010-2011**

Team Members: Penny McCormick-Gilles, Team leader, Chris Sargent, Rita Pettigrew and Joan Ray, Educational Specialists, and Rebecca Cain, Education Program Specialist

Dates of On Site Visit: September 29, 2010

Date of Report: February 10, 2011

3 month update due: May 10, 2011	Date Received:
6 month update due: August 10, 2011	Date Received:
9 month update due: November 10, 2011	Date Received:
Closed: June 8, 2011	

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
 - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
 - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

1. GENERAL SUPERVISION

(Statement of non-compliance from report of January 9, 2009.)

ARSD 24:05:25:04. Evaluation procedures.

The school districts shall ensure the child is assessed in all areas related to the suspected disability, including, as applicable, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

ARSD 24:05:24.01:01. Students with disabilities defined.

Students with disabilities are students evaluated in accordance with chapter 24:05:25 as having autism, deaf-blindness, deafness, hearing impairment, mental retardation, multiple disabilities, orthopedic impairment, other health impairments, emotional disturbance, specific learning disabilities, speech or language impairments, traumatic brain injury, or visual impairments including blindness, which adversely affects educational performance, and who, because of those disabilities, need special education or special education and related services.

ARSD 24:05:22:03. Certified child.

A certified child is a child in need of special education or special education and related services who has received a multidisciplinary evaluation and has an individual education program formulated and approved by a local placement committee. Documentation supporting a child's disabling condition as defined by Part B of the Individuals with Disabilities Education Act must be maintained by the school district for verification of its annual federal child count.

Out of compliance

In a review of files the team found five students who moved into the district from out of state who did not meet the South Dakota criteria for special education (there was no meeting held to determine eligibility for four of the five); evaluations did not support eligibility for nine students; and four more students either did not receive a comprehensive evaluation or were incorrectly reported.

Follow-up: September 29, 2010

Files reviewed by the team found that students who moved into the district from out of state were evaluated when it was needed, evaluations were comprehensive, and they were correctly reported. The district is in compliance in this area.

2. GENERAL SUPERVISION

(Statement of non-compliance from report of January 9, 2009.)

ARSD 24:05:25:04. Evaluation procedures.

The school district shall ensure a variety of assessment tools and strategies are used to gather relevant functional and development information about the child, including information provided by the parents that may assist in determining whether the child is a child with a disability and content of the child's IEP.

ARSD 24:05:25:04.03. Determination of eligibility.

Upon completing the administration of tests and other evaluation materials, the individual education program team shall determine whether the student is a student with a disability. The school district shall provide a copy of the evaluation report and the documentation of determination of eligibility to the parent.

Out of compliance

The monitoring team noted approximately 50 files with evaluation issues. For example, students were given a transition evaluation and there was not permission to give the evaluation. The evaluation data for a student identified as specific learning disability supported a disability category of cognitive delay, not SLD. Areas of evaluation listed on the prior notice/consent were not administered in 43 files when consent was acquired. Forty eight files showed evaluations were given without consent. Students are not always being assessed in all areas of suspected disability. Functional evaluations are not being completed in all areas of suspected disability, and are not skill specific.

Follow-up: September 29, 2010

Out of the 15 files review the team found that areas of evaluation that were listed on the prior notice were given, and consent was obtained for all evaluations and students were being assessed in the areas of suspected disability. The district is in compliance in these areas. Functional evaluations will be addressed under # 3.

3. GENERAL SUPERVISION

(Statement of non-compliance from report of January 9, 2009.)

ARSD 24:05:27:01.03. Content of individualized education program.

A student's IEP must contain present levels of performance based upon the specific skill areas affected by the student's disability. The present levels of performance are based upon the functional assessment information gathered during the comprehensive evaluation process. Present levels of performance must contain the student's strength, needs, effect of the disability on the student's involvement/progress in the general curriculum and parent input.

ARSD 24:05:27:01.03. Content of individualized education program. Each student's individualized education program shall include:

(1) A statement of the student's present levels of academic achievement and functional performance, including:

(a) How the student's disability affects the student's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students); or

(b) For preschool student, as appropriate, how the disability affects the student's participation in appropriate activities;

(2) A statement of measurable annual goals, including academic and functional goals, designed to:

(a) Meet the student's needs that result from the student's disability to enable the student to be involved in and progress in the general education curriculum; and

(b) Meet each of the student's other educational needs that result from the student's disability;

Out of compliance

The monitoring team through a review of 235 student files found the district staff did not consistently include functional information in the evaluation process by gathering, analyzing and developing a written summary of strength and needs for each skill areas affected by the student's disability. Many of the functional assessments were a narrative of the student and not skill specific as to the disability. The student's present levels of academic performance, development of annual goals therefore did not link to evaluation. Functional assessment information is available through a variety of sources in the district; however, there is not an established process across all grade levels and disciplines for collecting, analyzing, summarizing or integrating the information into the multidisciplinary assessment team report (MDAT) for all eligible students. Annual goals throughout the district lack the required content. Many files reviewed showed content standards are being used for annual goals and therefore are not skill specific and do not always state condition, performance or criteria.

Follow-up: September 29, 2010

The review team noted that goals have improved since the last review and are no longer an issue.

Out of Compliance

Skill based information continues to be a problem. In six out of 15 files the present levels of performance did not contain skill based information in the area (s) of disability, in other files there was good information but no way to determine where it came from. There were also cases where skill based information was in the districts written report, but not pulled forward into the IEP.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: All special education teachers will be provided with the current technical assistance IEP guide. The process of linking skill based assessment from the written report to the present levels will be explained either in small group meetings or through an in-service for special education teachers. Data Collection: The names and dates of	6/10/2011	Special education director.	6/8/11

teachers trained will be sent to the team leader by the special education director.			
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3 month Progress Report: April 7, 2011 In progress
6 month Progress Report: June 8, 2011 Completed
9 month Progress Report:

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: The district will develop a written plan where IEPs will be peer reviewed to monitor the gathering and use of skill based assessments Data Collection: The special education director will send two current copies of the written report and front page of the IEP from each special education teacher in the district to the team leader	6/10/2011	Special education director and special education teachers	6/8/11

3 month Progress Report: April 7, 2011 In progress
6 month Progress Report: June 8, 2011, Completed
9 month Progress Report:

5. GENERAL SUPERVISION

State Performance Plan - Indicator 4b: Significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs.

Students by race/ ethnicity with disabilities suspended or expelled at the district:
Due to having less than 10 students in the numerator during for the 2008-09 school year, Rapid City was not formally reported on during the baseline year for indicator 4B. However, after comparing the percentage of Native Americans suspended for greater than 10 days (1.5%) to that of Whites suspended for greater than 10 days (.4%) Special Education Programs decided to do a check of your policies, practices, and procedures to ensure appropriate safeguards are in place to prevent Rapid City from flagged during the reporting year 2012 for your 2010-11 suspension data.

Finding: On-site, September 29, 2010

Students already on a behavior plan were determined to be at a higher risk for suspension or expulsion; therefore, 17 files of just these students were reviewed. Adequate behavior plans were in place and manifestations of determination were completed prior to 10 days of any suspensions. The behavior specialists for the district, the school psychologists, and the special education director were interviewed and it is felt that they are continuing to develop plans to reduce suspensions/expulsions for all students including Native American students as this is felt to be a systemic district problem. The district is in compliance in this area.